

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katelyn Williams	Team: Team # 3	CCRB Case #: 201101692	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/09/2011 12:50 PM	Location of Incident: Junction Boulevard and 56th Avenue	Precinct: 110	18 Mo. SOL 8/9/2012	EO SOL 8/9/2012	
Date/Time CV Reported Wed, 02/09/2011 1:24 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/09/2011 1:24 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Abrahamsen	27379	941306	110 PCT
2. POM James Drummy	08979	941204	110 PCT
3. POM Joseph Deleo	25580	941626	110 PCT
4. An officer			110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Abrahamsen	Abuse: Police Officer Steven Abrahamsen stopped § 87(2)(b)	
B.POM Joseph Deleo	Abuse: Police Officer Joseph Deleo stopped § 87(2)(b)	
C.POM James Drummy	Abuse: Police Officer James Drummy stopped § 87(2)(b)	
D.POM Steven Abrahamsen	Abuse: Police Officer Steven Abrahamsen searched § 87(2)(b)	
E.POM James Drummy	Abuse: Police Officer James Drummy frisked § 87(2)(b)	
F. An officer	Abuse: An officer searched § 87(2)(b)	
G.POM Joseph Deleo	Discourtesy: Police Officer Joseph Deleo spoke obscenely to § 87(2)(b)	
H. An officer	Abuse: An officer frisked § 87(2)(b)	
I.POM Steven Abrahamsen	Discourtesy: Police Officer Steven Abrahamsen spoke obscenely to § 87(2)(b)	
J.POM James Drummy	Abuse: Police Officer James Drummy threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on February 9, 2011 (Encl. 4A-B).

At approximately 12:50p.m. on February 9, 2011, § 87(2)(b) was stopped by PO Steven Abrahamsen, PO James Drummy and PO Joseph Deleo of the 110th Precinct in the vicinity of Junction Boulevard and 53rd Avenue in Queens. The following allegations resulted from the officers' actions:

- **Allegation A: Abuse of Authority- Police Officer Steven Abrahamsen stopped** § 87(2)(b) [REDACTED]
- **Allegation B: Abuse of Authority- Police Officer Joseph Deleo stopped** § 87(2)(b) [REDACTED]
- **Allegation C: Abuse of Authority- Police Officer James Drummy stopped** § 87(2)(b) [REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- **Allegation D: Abuse of Authority- Police Officer Steven Abrahamsen searched** § 87(2)(b) [REDACTED]
- **Allegation G: Discourtesy- Police Officer Joseph Deleo spoke obscenely to** § 87(2)(b) [REDACTED]
- **Allegation I: Discourtesy- Police Officer Steven Abrahamsen spoke obscenely to** § 87(2)(b) [REDACTED] § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- **Allegation E: Abuse of Authority- Police Officer James Drummy frisked** § 87(2)(b) [REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
- **Allegation F: Abuse of Authority- An officer searched** § 87(2)(b) [REDACTED]
- **Allegation H: Abuse of Authority- An officer frisked** § 87(2)(b) [REDACTED] § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- **Allegation J: Discourtesy- Police Officer James Drummy threatened to arrest** § 87(2)(b) [REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- **§ 87(4-b), § 87(2)(g)** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mediation was explained to § 87(2)(b) both over the telephone on February 10, 2011 and during his in-person interview on February 17, 2011. Over the phone, § 87(2)(b) rejected mediation. During his in-person interview, he stated that he would like to reconsider but ultimately did not pursue mediation. The undersigned investigator therefore proceeded with investigation.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Statement/Written Statement/Telephone Statement

§ 87(2)(b) provided a brief telephone statement to the CCRB on February 10, 2011 (Encl. 5A). He was then interviewed at the CCRB on February 17, 2011 (Encl. 7A-F). When he appeared at the CCRB for his in-person interview, § 87(2)(b) provided a statement that he had written on an unknown date (Encl. 6A-C). § 87(2)(g)

At approximately 12:50p.m. on February 9, 2011, § 87(2)(b) was walking in the vicinity of Junction Boulevard and 53rd Avenue in Queens. It was a cold day, so § 87(2)(b) had his hood up and partially covering his face. He was wearing a waist-length windbreaker with a sweatshirt-material lining on the inside, and he had a leather binder zipped inside of his coat so he did not have to hold it. The binder was about 8" by 11" and was about 1" in thickness. He had his headphones on, and he had his hands tucked into his jacket pockets. He was walking at a fast rate-of-speed due to the cold.

§ 87(2)(b) was approaching 56th Avenue when an unmarked silver Chevy sedan pulled halfway into a driveway in front of him, blocking him from walking any further. Three white males in plainclothes jumped out of the vehicle and surrounded § 87(2)(b). These officers provided their names and shield numbers to § 87(2)(b) later in the incident. They were PO Steven Abrahamsen, PO James Drummy and PO Joseph Deleo of the 110th Precinct.

§ 87(2)(b) described PO Abrahamsen and PO Drummy as white males who were about 5'11" or 6'0" tall and who looked to weigh between 100 to 155 pounds. PO Abrahamsen and PO Drummy looked to be in their mid-twenties to early-thirties. PO Deleo was a white male who was about 5'10" tall. He also looked to weigh between 100 and 150 pounds. PO Deleo looked to be in his mid-thirties to early-forties.

§ 87(2)(b) could not see the officers' hair or eyes because they had hoods or hats over their head and sunglasses on their faces. He could not tell if any of the officers had tattoos because they were wearing long sleeves. However, they were all clean-shaven.

PO Abrahamsen yelled at § 87(2)(b) to put his hands at his side and to not make any sudden moves. PO Abrahamsen then approached § 87(2)(b) unzipped his § 87(2)(b)s jacket and asked him what he had underneath it. § 87(2)(b) showed him the leather binder he had underneath his jacket. PO Abrahamsen took the binder from him and looked inside of it. PO Abrahamsen told § 87(2)(b) "Do you know there are burglaries going on? That could have been a laptop; that could have been other concealed weapons."

§ 87(2)(b) went to take off his headphones so he could hear the officers better, and PO Abrahamsen told him not to make any sudden moves. PO Drummy and PO Deleo asked § 87(2)(b) if he had any weapons on him, and he told them he did not. PO Abrahamsen asked § 87(2)(b) where he was coming from and where he was going, and § 87(2)(b) told them he was walking home from work and that he lived a few blocks away.

While § 87(2)(b) was speaking with PO Abrahamsen, PO Drummy pulled the hood back from § 87(2)(b)s face and PO Deleo patted him § 87(2)(b) down on the outside of his clothing. PO Deleo started with his neck area. He checked the hood of § 87(2)(b)s jacket, and he then proceeded to move down to § 87(2)(b)s legs. Both PO Deleo and PO Drummy were behind § 87(2)(b)

§ 87(2)(b) at this time, and one of them (he could not see who) reached into the front pockets of his jeans and removed his cell phone and his keys. One of the officers (he could not recall which) handed these things back to him.

The officers again asked § 87(2)(b) if he had any weapons, and he said, “Do you comprehend English? I told you three times on three different occasions: I have no weapons.” PO Drummy then started cursing at § 87(2)(b) and saying things like, “You need to fucking shut up.”

§ 87(2)(b) told PO Drummy to calm down and he explained that he did not initially know they were police officers. PO Deleo then asked § 87(2)(b) if he knew that he was five blocks away from Lefrak City (a low-income housing development). § 87(2)(b) asked what that meant and again stated that he lived two blocks away from where they were. The officers then asked for his ID, and PO Abrahamsen took the ID to the RMP and wrote § 87(2)(b)'s information down. The officers saw that § 87(2)(b) had a PBA card in his wallet, and § 87(2)(b) explained that § 87(2)(b) is a police officer.

PO Drummy continued cursing at § 87(2)(b) saying things like, “You need to fucking show more respect because we’re fucking NYPD.” (During his telephone statement, § 87(2)(b) indicated that it was PO Abrahamsen who made this statement.) § 87(2)(b) told the officer that he did not care, and stated that they (the officers) looked more suspicious than he did. PO Drummy told § 87(2)(b) “Don’t tell me how to do my fucking job. Who the fuck are you to talk to me like this? You should have more fucking respect.”

One of the officers patted § 87(2)(b) down again on the outside of his clothing. Both PO Deleo and PO Drummy were behind § 87(2)(b) at this point, and § 87(2)(b) could not see which officer was patting him down. The officers still could not find anything on § 87(2)(b)'s person.

PO Drummy then started cursing at § 87(2)(b) again, stating things like, “You need to watch your fucking mouth. Who the fuck do you think you are?” PO Abrahamsen also told § 87(2)(b) “You need to fucking shut up.” During his brief telephone statement, § 87(2)(b) stated that PO Abrahamsen also lit a cigarette and blew the smoke in his face. However, § 87(2)(b) made no such allegation during his formal statement.

PO Deleo then told § 87(2)(b) “We could fucking arrest you.” PO Deleo stated that he could charge him with disorderly conduct and suspicious behavior, and that he could make up a lot more. § 87(2)(b) asked him, “Why don’t you go further than that? Why don’t you say I was on drugs or something?” PO Drummy then stated, “You got a smart fucking mouth.” § 87(2)(b) told PO Drummy to stop cursing, and PO Drummy responded, “I don’t give a fuck what you say.”

§ 87(2)(b) asked the officers for their names and shield numbers, and they provided them verbally. PO Drummy even said “fuck” while providing his shield number. After they provided their names and shield numbers, § 87(2)(b) asked the officers, “Am I allowed to leave now that you know I’m not a criminal and just colored?” PO Drummy asked § 87(2)(b) “What is that fucking supposed to mean?” PO Deleo told § 87(2)(b) that he should learn how to respect cops if his cousin is a cop. The officers then got back into their vehicle and left.

Although he did not articulate any reasons for believing the officers’ actions in this incident were racially motivated, § 87(2)(b) indicated that the white officers who patrol the 110th Precinct seem to have chips on their shoulders. He stressed his point by mentioning another incident that occurred a year prior to this incident, in which he had been stopped by two female officers (one white, one Hispanic) while driving his mother to the hospital. The white officer stated that they stopped him because he had been speeding. However, the Hispanic officer saw that his mother was sick and told him to leave and take her to the hospital. § 87(2)(b) stated that he did not file a complaint about this or any prior incident because he thought they might have just been coincidences. He did not indicate a desire to file complaints about this or any other incident.

NYPD Statements:

Subject Officer: PO JOSEPH DELEO

- § 87(2)(b) -old white male, 6'0" tall, 190 pounds, brown hair, blue eyes.
- PO Deleo worked from 9:30a.m. until 6:05p.m. on February 9, 2011. He was dressed in plainclothes and was assigned to anti-crime with PO Steven Abrahamsen and PO James Drummy. They were using unmarked RMP #1404.

Memo Book

PO Deleo noted in his memo book (Encl. 13A-B) that at 12:50p.m. on February 9, 2011, he had one male, § 87(2)(b) stopped on the corner of Junction Boulevard and 56th Avenue in Queens for suspicion of burglary. A stop, question and frisk report was prepared by PO Drummy in regard to the stop.

CCRB Statement

PO Joseph Deleo was interviewed at the CCRB on July 20, 2011 (Encl. 14A-C). At approximately 12:50p.m. on February 9, 2011, PO Deleo and his partners were driving northbound on Junction Boulevard in the vicinity of 56th Avenue in Queens. PO Abrahamsen was driving, PO Drummy was in the front passenger seat, and PO Deleo was sitting in the back passenger-side seat.

PO Deleo stated that the area around this incident location is one of the precinct's high-crime areas. This location is right near Lefrak City (a lot of the guns in the area come out of this low-income housing development), and there are a lot of burglaries and violent crimes that occur in the vicinity. An array of personal items was being taken, including laptops, computers, TVs, video game systems, jewelry and more. PO Deleo and his partners were not investigating any specific burglaries at this time, but they were in that area for presence.

As they were driving northbound on Junction Boulevard, PO Deleo observed a male, later identified as § 87(2)(b) walking northbound on Junction Boulevard. § 87(2)(b) was to the right of the RMP, and PO Deleo observed him as they were passing by him. PO Deleo stated that § 87(2)(b) was walking suspiciously, and he explained that that § 87(2)(b) was looking from side to side and was walking "pretty fast."

PO Deleo believed that § 87(2)(b) was wearing a long trench coat, and he observed a bulge underneath § 87(2)(b)'s jacket that was about 8" by 11" in size. The bulge was on § 87(2)(b)'s right-torso area and was near his waistband. Based on § 87(2)(b)'s demeanor and the fact that there had been a lot of burglaries occurring in the area, PO Deleo believed that the bulge could have been anything from a weapon to stolen property.

PO Deleo spoke with his partners, who also indicated that they made the same observations as PO Deleo. PO Abrahamsen made a U-turn and stopped the RMP. All three officers exited the vehicle and approached § 87(2)(b) (they all exited the vehicle together, but PO Deleo was unsure if they all approached § 87(2)(b) at exactly the same time). Upon approaching § 87(2)(b) it was PO Deleo's intention keep the interaction as cordial as possible and to explain to § 87(2)(b) why he was being stopped.

The officers approached § 87(2)(b) with their shields out and they identified themselves as police officers. PO Deleo did not recall the first thing that was said to § 87(2)(b) upon the officers' approach, but he stated that they all tried to explain to him why he was being stopped. § 87(2)(b) immediately became combative, which made PO Deleo more suspicious that he might have had something on him or that he might have just done something wrong.

§ 87(2)(b) began yelling about the fact that three officers approached him at once. The officers tried to explain to him that this was procedure. § 87(2)(b) did not initially give any explanation of his behavior to the officers. He just continued yelling at them. One of the officers told him they had noticed the bulge under his jacket, and § 87(2)(b) told them that "it" was for

work.

One of the officers (PO Deleo did not recall who) frisked the area where the bulge was. PO Deleo believed that only the bulge area was frisked. He stated that he might have frisked the outside of § 87(2)(b)'s waistband because burglary is a violent crime, but he did not actually recall doing so. PO Deleo did not recall any officers reaching into § 87(2)(b)'s pockets or removing anything from his person. He did not believe that § 87(2)(b) was frisked again during the course of the incident. PO Deleo did not recall any officers unzipping § 87(2)(b)'s jacket.

After he was patted down, § 87(2)(b) showed the officers the object he had underneath his jacket. PO Deleo believed it was a computer of some sort. § 87(2)(b) explained that he had it for work, and that he was on his way home from or on his way to work (PO Deleo did not recall which). PO Deleo did not recall § 87(2)(b) handing the computer to any of the officers, nor did he recall any of the officers removing the computer from him. None of the officers opened or looked through the computer.

All three officers tried multiple times to explain to § 87(2)(b) why they had stopped him and that they did not just pick him out for no reason, but § 87(2)(b) was very resentful of being stopped and he continued arguing with the officers. The officers asked § 87(2)(b) if he was aware that there were a lot of burglaries and robberies that occurred in that area, and § 87(2)(b) stated that he was aware of this. However, he was still upset about being stopped.

PO Deleo did not tell § 87(2)(b) "You need to fucking shut up," nor did he recall hearing either of his partners make this statement. PO Deleo did not use the word "fuck" or any variation of it while speaking with § 87(2)(b) nor did PO Drummy or PO Abrahamsen. PO Deleo did not use any discourteous language while speaking with § 87(2)(b) nor did he hear either of his partners do so.

PO Deleo did not think about arresting § 87(2)(b) during this incident, nor did he or his partners indicate to each other that they were thinking about arresting him. However, PO Deleo stated that in essence, § 87(2)(b) was acting disorderly and could have been arrested for disorderly conduct. PO Deleo never told § 87(2)(b) "We could fucking arrest you," nor did he ever tell § 87(2)(b) that he could arrest him for "suspicious behavior" and that he could "make up a lot more."

One of the officers (PO Deleo did not recall who) asked for § 87(2)(b)'s ID, and he provided it. § 87(2)(b) began to calm down, and he asked the officers for their names and shield numbers, which they provided verbally one at a time. § 87(2)(b)'s ID was returned to him and the officers left the location. The incident lasted for about ten minutes.

Subject Officer: PO JAMES DRUMMY

- § 87(2)(b) -old white male, 5'10" tall, 195 pounds, brown hair, brown eyes.
- PO Drummy worked from 7:05a.m. until 3:40p.m. on February 9, 2011. He was dressed in uniform and was assigned to anti-crime with PO Joseph Deleo and PO Steven Abrahamsen.

Stop, Question and Frisk Report

PO Drummy prepared the stop, question and frisk report for this incident (Encl. 10A-C). The report indicates that § 87(2)(b) was stopped on suspicion of burglary, and that the stop lasted for seven minutes. The circumstances that led to the stop were listed as such: suspicious bulge (binder under jacket), wearing clothes/disguises commonly used in commission of crime. An additional factor was noted as such: ongoing investigations (burglary pattern).

PO Drummy noted that § 87(2)(b) was frisked. The reasons for the frisk are listed as follows: suspicious bulge (binder under jacket) and refusal to comply with officer's directions, leading to reasonable fear for safety. PO Drummy noted that § 87(2)(b) was not searched and that no weapons or contraband were found on his person.

The report indicates that the officers identified themselves verbally and via their shields, and

that they explained the reasons for stopping § 87(2)(b)'s demeanor is described as "annoyed." PO Drummy noted that § 87(2)(b) stated, "I'm going home. You didn't need to run up on me three people deep."

Memo Book

PO Drummy noted in his memo book (Encl. 11A-C) that between 12:50p.m. and 12:57p.m., he and his partners had one male, identified as § 87(2)(b) stopped on the corner of 56th Avenue and Junction Boulevard in Queens for suspicion of burglary. § 87(2)(b) was acting agitated and he refused to let the officers explain the reasons for the stop and for their actions. He was not issued a summons because he had a PBA card and courtesy was given even though § 87(2)(b) was acting in a semi-disorderly manner.

CCRB Statement

PO James Drummy was interviewed at the CCRB on June 10, 2011 (Encl. 12A-C). PO Drummy also indicated that he observed § 87(2)(b) walking suspiciously on Junction Boulevard in the vicinity of 56th Avenue. When PO Drummy observed him, § 87(2)(b) was about ten feet away from the RMP. He was wearing a loose-fitting jacket that was zipped closed, and he was holding something underneath the front of his jacket that was the size and shape of a laptop. § 87(2)(b) was walking at a brisk pace.

PO Drummy also indicated that at the time of this incident, there was a high rate of burglaries occurring in this area. PO Abrahamsen stopped the RMP, and PO Drummy exited the vehicle and approached § 87(2)(b). Upon approaching § 87(2)(b) it was PO Drummy's intention to see what he had underneath his jacket. PO Drummy had his shield out, and he told § 87(2)(b) to stop, but § 87(2)(b) continued walking. PO Drummy then said, "Police; stop," and § 87(2)(b) complied.

PO Abrahamsen and PO Deleo did not initially exit the vehicle and approach § 87(2)(b) with PO Drummy because PO Abrahamsen had to park the vehicle. PO Abrahamsen and PO Deleo approached § 87(2)(b) after PO Deleo stopped him. § 87(2)(b) started yelling at the officers that they had no reason to stop him and that they did not need to "jump out three deep" on him. § 87(2)(b) was shifting from side to side and moving around.

There were other civilians passing by the location of the stop, but PO Drummy was focused on § 87(2)(b) and he did not notice if anyone stopped to see what was going on. PO Drummy did not recall exactly where each officer was standing, but he stated that they were standing so that they could block § 87(2)(b) from escaping if he had done something wrong.

PO Drummy asked § 87(2)(b) what he had underneath his jacket, but he told him not to take the object out. § 87(2)(b) took the object out anyway (PO Drummy believed that § 87(2)(b) unzipped his jacket himself) and showed the officers that it was some sort of binder or notebook.

At some point during this incident, PO Drummy patted § 87(2)(b) down on the outside of his clothing. He stated that he did this because he had stopped § 87(2)(b) on suspicion of committing a violent crime, and he was trained to frisk someone for weapons in these situations. PO Drummy could not recall if he frisked § 87(2)(b) before or after § 87(2)(b) showed him that the object under his jacket was a binder or a notebook. PO Drummy did not recall going into any of § 87(2)(b)'s pockets, nor did he recall feeling any additional bulges during the frisk. PO Drummy did not recall frisking § 87(2)(b) again after the initial frisk. He could not recall if either of his partners ever made any physical contact with § 87(2)(b).

PO Drummy asked § 87(2)(b) for his ID so that he could prepare a stop, question and frisk report. § 87(2)(b) was hesitant at first, but he eventually gave PO Drummy his ID. § 87(2)(b) asked the officers for their names, and they provided them without an issue.

PO Drummy did not tell § 87(2)(b) "You need to fucking shut up," nor did he recall hearing either of his partners make this statement. PO Drummy did not tell § 87(2)(b) "You need to

fucking show more respect because we're fucking NYPD." However, one of the officers (PO Drummy did not recall who) did tell § 87(2)(b) that he needed to show some respect and relax a little, but these statements were made without expletives.

PO Drummy did not recall using the word fuck in any form while speaking with § 87(2)(b) nor did he recall his partners doing so. He stated that if this word was used, however, it was only done to get § 87(2)(b) to listen to the officers. He stated that sometimes, using words like "fuck" is the only way to get people on the street to listen to you.

During his CCRB statement, PO Drummy indicated that § 87(2)(b) could have been arrested for disorderly conduct for refusing to comply with the officers' orders and for screaming at them and causing a scene. PO Drummy informed § 87(2)(b) that if he did not comply with the officers' orders, he could get in trouble. However, he informed § 87(2)(b) that they were not going to arrest him, and that they were just trying to find out what he was doing. § 87(2)(b) was released and PO Drummy prepared a stop, question and frisk report for him. The interaction lasted for about seven minutes.

Subject Officer: PO STEVEN ABRAHAMSEN

- § 87(2)(b) -old white male, 5'10" tall, 180 pounds, brown hair, hazel eyes.
- PO Abrahamsen worked from 9:10a.m. until 5:45p.m. on February 9, 2011. He was dressed in plainclothes and was assigned to anti-crime with PO Joseph Deleo and PO James Drummy.

Memo Book

PO Abrahamsen did not have any memo book entries regarding this incident (Encl. 8A-B).

CCRB Statement

PO Steven Abrahamsen was interviewed at the CCRB on May 17, 2011 (Encl. 9A-B). At the time of this incident, PO Abrahamsen was driving the RMP down Junction Boulevard in the vicinity of 56th Avenue when PO Deleo and PO Drummy informed him that they observed a male, later identified as § 87(2)(b) who appeared to be hiding something that was the shape of a laptop under his jacket.

PO Abrahamsen turned the RMP around and drove back towards § 87(2)(b). PO Abrahamsen stated that § 87(2)(b) was wearing a jacket, and he had something that was the approximate shape and size of a laptop underneath the front of this jacket. § 87(2)(b) was also looking around him as if he was trying to hide something.

PO Abrahamsen stated that there are a lot of vehicle burglaries in that area in which laptops, navigation devices and other items are stolen. PO Abrahamsen and his partners were just conducting routine patrol and were not investigating a specific crime, but they were aware that that area has a high rate of vehicular burglaries.

PO Abrahamsen and his partners decided that they would stop § 87(2)(b) to see what he had in his jacket and make sure that he had not just committed a vehicular burglary. PO Abrahamsen pulled the vehicle over, and PO Drummy and PO Deleo got out and approached § 87(2)(b). PO Abrahamsen parked the vehicle and then joined his partners. PO Abrahamsen did not see or hear what happened upon his partners' initial approach because he had to park the car and then, because there was a lot of snow on the side of the road at this point, he had to walk to the nearest driveway and then walk back to where his partners and § 87(2)(b) were on the sidewalk.

When PO Abrahamsen reached his partners and § 87(2)(b) was explaining that he had his laptop underneath his jacket in order to keep it dry. § 87(2)(b) showed the laptop to the officers. PO Abrahamsen was not aware of any officer ever taking the laptop from § 87(2)(b). None of the officers ever removed anything from § 87(2)(b)'s person.

§ 87(2)(b) was “kind of mad” that the officers approached him, and he did not understand why he had been stopped. One of PO Abrahamsen’s partners (he did not recall which) explained why they stopped § 87(2)(b) and they explained the kind of crimes that occur in that neighborhood. When they did so, § 87(2)(b) told them that he lived in that neighborhood and he knew what goes on there, and he did not understand why the officers were bothering him when he was not doing anything wrong.

PO Abrahamsen did not frisk § 87(2)(b) nor did he ever make any kind of physical contact with him. PO Abrahamsen did not observe § 87(2)(b) being frisked, but he stated that it was possible that one of his partners did so before he joined them. However, PO Abrahamsen did not observe either of his partners make any kind of physical contact with § 87(2)(b).

PO Abrahamsen never directly spoke with § 87(2)(b). He did not hear any officer tell § 87(2)(b) “You need to fucking shut up,” or “You need to fucking show more respect because we’re fucking NYPD.” None of the officers used the words “fuck” or “fucking” while speaking with § 87(2)(b) nor did they use any kind of discourteous language towards him. None of the officers told § 87(2)(b) “We could fucking arrest you,” nor did any officer threaten to arrest him in any way.

One of the officers (PO Abrahamsen did not recall who) asked for § 87(2)(b)’s ID in order to prepare a stop, question and frisk report. Once the information was obtained from § 87(2)(b)’s ID, the officers left the location. The whole incident lasted between five and ten minutes.

NYPD Documents

Burglary Pattern Sheet & Criminal Complaint Reports

According to a burglary pattern search, a pattern was opened on January 5, 2011 for the 110th Precinct (Encl. 15A). There had been thirteen complaints of residential apartment burglaries in sector A of the 110th Precinct. Entry to the apartments had been gained via front doors and back windows. There were no further details included.

The burglary pattern search sheet was sent to the CCRB with ten criminal complaint reports generated for burglaries that occurred within the 110th Precinct between December of 2010 and February of 2011 (Encl. 15B-Z). Eight of these burglaries occurred within sector E or sector H. Six of the burglaries that occurred in sectors E and H were executed between early afternoon and early evening. An array of items was stolen, including computers, laptops and other electronics. There were no descriptions provided for the perpetrators.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 15, 2011 with regard to the incident (Encl. 19B).

Civilian Criminal History

- As of August 30, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) (Encl. 17A).

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 3A).

Subject Officers CCRB History

- PO Steven Abrahamsen has been a member of the service for five years and there are no substantiated CCRB allegations against him (Encl. 2A).
- PO Joseph Deleo has been a member of the service for five years and there are no

- substantiated CCRB allegations against him (Encl. 2B).
- PO James Drummy has been a member of the service for five years and there are no substantiated CCRB allegations against him (Encl. 2C).

Conclusion

Identification of Subject Officer

PO Deleo, PO Drummy and PO Abrahamsen all acknowledged that they were the officers who stopped § 87(2)(b) on the date of this incident. § 87(2)(b) obtained all of the officers' names and shield numbers during the course of this incident and attributed specific allegations to each officer during the course of his CCRB interview. However, based on his descriptions of the officers, it is clear that § 87(2)(b) confused PO Deleo for PO Drummy. § 87(2)(b) described PO Drummy as being 5'11" tall, and he described PO Deleo as being shorter (about 5'10" tall). However, PO Deleo is actually taller than PO Drummy. Furthermore, PO Drummy acknowledged that he was the officer who frisked § 87(2)(b) and who informed § 87(2)(b) that he could get in trouble if he did not comply with the officers.

§ 87(2)(g)

§ 87(2)(b) alleged that either PO Deleo or PO Drummy (who were both standing behind him at the time) reached into the front pockets of his jeans and frisked him for a second time later in the incident. However, § 87(2)(b) did not see which officer did so. Neither officer accounted for a second frisk, and both denied that § 87(2)(b) was searched. PO Abrahamsen denied witnessing these actions. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority- Police Officer Steven Abrahamsen stopped § 87(2)(b)

Allegation B: Abuse of Authority- Police Officer Joseph Deleo stopped § 87(2)(b)

Allegation C: Abuse of Authority- Police Officer James Drummy stopped § 87(2)(b)

It is undisputed that PO Abrahamsen, PO Deleo and PO Drummy stopped § 87(2)(b) on February 9, 2011.

According to New York State Criminal Procedure Law Section 140.50(1), a police officer may forcibly stop a person in a public place "when he reasonably suspects that such person is committing, has committed, or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law" (Encl. 1E). As noted in *People v. Cantor*, "Reasonable suspicion is the quantum of knowledge to induce an ordinarily prudent and cautious man under the circumstances to believe criminal activity is at hand," (*People v. Cantor*, 36 N.Y.2d 106, 112-113 (1975), Encl. 1F-K). According to *People v. Stevenson*, "the fact that a defendant is located in a high crime area does not by itself justify the police conduct where there is no other objective indicia of criminality," (*People v. Stevenson*, 273 A.D.2d 826, 1-2 (2000), (suspicious movements behind a car combined with high crime area does not equal reasonable suspicion) Encl. 1H-I).

PO Drummy and PO Deleo both indicated that they observed § 87(2)(b) walking up Junction Boulevard at a quick pace, and all three officers indicated that he had a bulge underneath his jacket that was the approximate size and shape of a laptop. PO Deleo and PO Abrahamsen further stated that § 87(2)(b) was looking from side-to-side as he walked.

PO Drummy, PO Deleo and PO Abrahamsen all indicated that their suspicion was further

§ 87(2)(g)

PO Abrahamsen indicated that PO Deleo and PO Drummy were the first officers to approach § 87(2)(b) because he (PO Abrahamsen) had to park the RMP. He stated that by the time he approached the situation, § 87(2)(b) was showing the officers the object he had underneath his jacket (which PO Abrahamsen believed to be a laptop). PO Abrahamsen was not aware of any officer ever taking the laptop from § 87(2)(b). PO Abrahamsen stated that he never made any physical contact with § 87(2)(b) and that none of the officers ever removed anything from § 87(2)(b)'s person.

§ 87(2)(g) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(b) alleged that he was frisked after he showed the officers that the object underneath his jacket was a binder and after he informed them that he was walking home from work. PO Drummy acknowledged frisking § 87(2)(b) at some point during this incident, but he could not recall when. According to *People v. Bruce*, in order to justify frisking an individual, an officer “must be able to point to particular facts from which he reasonably inferred that the individual was armed and dangerous” (*People v. Bruce*, 78 A.D.2d 169, 1-5 (1980), Encl. 1J-N).

committing burglary. Furthermore, the officers acknowledged that at the time of their approach, they knew that the object under § 87(2)(b)'s jacket was the approximate size of a laptop (which does not resemble any weapon of common use). § 87(2)(g)

§ 87(2)(g)

Allegation F: Abuse of Authority- An officer searched § 87(2)(b)

Allegation H: Abuse of Authority- An officer frisked § 87(2)(b)

As explained in the officer identification section, § 87(2)(b) was unable to see which officer reached into his pockets from behind or which officer frisked him for the second time. None of the officers acknowledged doing so, and there were no additional witnesses available to assist in identification. § 87(2)(g)

Allegation G: Discourtesy- Police Officer Joseph Deleo spoke obscenely to § 87(2)(b)

Allegation I: Discourtesy- Police Officer Steven Abrahamsen spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that PO Drummy (identified by the CCRB to be PO Deleo) used the word “fuck” or some form of this word multiple times while speaking with him throughout the incident. He further alleged that PO Abrahamsen used the word “fucking” while speaking with him. PO Deleo and PO Abrahamsen both denied using the word “fuck” or any variation of it while speaking with § 87(2)(b) and he denied hearing his partners do so. PO Deleo did not recall hearing either of his partners using the word fuck in any form of the word while speaking with § 87(2)(b)

All three officers indicated that § 87(2)(b) was upset about being stopped, and PO Drummy and PO Deleo indicated that he was combative and yelling. § 87(2)(g)

Allegation J: Discourtesy- Police Officer James Drummy threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that PO Deleo (identified by the CCRB to be PO Drummy) told him, “We could fucking arrest you,” and that PO Drummy informed him that he could be arrested for disorderly conduct and suspicious behavior.

PO Drummy did not recall using the word “fuck” in any of its forms while speaking with § 87(2)(b) but he acknowledged that he informed § 87(2)(b) that if he did not comply with the officers’ orders, he could “get in trouble.” The CCRB determined that, considering the circumstances, this could reasonably be perceived as a threat or arrest. During his CCRB statement, PO Drummy indicated that § 87(2)(b) could have been arrested for disorderly conduct for refusing to comply with the officers’ orders and for screaming at them and causing a scene. However, as explained in the above allegations, the officers were not justified in stopping and frisking § 87(2)(b) and thus their orders for him to stop and provide his ID were not lawful.

Furthermore, as indicated in New York State Penal Law S 240.20, an individual is guilty of disorderly conduct when his behavior is conducted with “intent to cause public inconvenience, annoyance or alarm, or [his behavior is] recklessly creating a risk thereof” (Encl. 10). PO

Drummy stated that there were other civilians passing by the location of the stop, but he was focused on § 87(2)(b) and he did not notice if anyone stopped to see what was going on. Neither of his partners indicated that § 87(2)(b)'s behavior caused a crowd to form or caused any public alarm or annoyance.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date